

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

**WILLIAM NOBLE & MICHELLE  
NOBLE,**

**Plaintiffs,**

**VS.**

**SAN ANTONIO SOLAR PROS, LLC,  
SUNLIGHT FINANCIAL, LLC &  
CROSS RIVER BANK**

Defendant.

CASE NO. 20-CV-1336

## **NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Cross River Bank (hereafter “Defendant”), by and through its undersigned counsel, hereby gives notice of the removal of the above-styled action to the United States District Court for the Western District of Texas, and states as follows:

1. On or about March 27, 2020, an action was commenced in Bexar County, Texas by Plaintiffs, William Noble and Michelle Noble, (hereafter “Plaintiffs”). The action, entitled *William Noble & Michelle Noble v. San Antonio Solar Pros, LLC, et al.*, was assigned Case No. 2020CV02191 (hereinafter referred to as the “State Court Action”).

2. Plaintiffs served a Summons and Complaint upon Defendant on or about October 22, 2020, in the State Court Action.

3. The Complaint asserted a federal law claim against Defendant. Specifically, the Complaint asserted a claim arising under the Truth In Lending Act, 15 U.S.C. § 1638, based upon alleged conduct by Defendant in connection with a secured loan made by Defendant to Plaintiffs for the purchase and installation of solar panels.

4. Accordingly, this is a civil action arising under the laws of the United States, over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331.

5. Removal of this action is therefore appropriate pursuant to 28 U.S.C. § 1441(a).

6. Venue is proper in this Court because the action is being removed from Bexar County, Texas, which lies in the jurisdiction for The United States District Court for the Western District of Texas. *See* 28 U.S.C. §§ 1441(a), 1446(a).

7. Attached hereto as Exhibit A are copies of all process, pleadings, and orders served on Defendant in the State Court Action, in accordance with 28 U.S.C. § 1446(a), which includes: the Original Petition, the Summons, the Returns of Service, and Summons for all Defendants herein.

8. This Notice of Removal is timely, as it is being filed within thirty (30) days after receipt of the initial pleading setting forth the claim for relief and within thirty (30) days of service of process. *See* 28 U.S.C. § 1446(b).

9. This action is not a non-removable action as described in 28 U.S.C. § 1445.

10. Promptly after filing this Notice, Defendant shall serve written notice hereof to Plaintiff's counsel, and will file a copy of this Notice in the State Court Action, with the Clerk of the Bexar County, Texas, pursuant to 28 U.S.C. § 1446(d).

11. Defendant expressly reserves all rights to move for dismissal of some or all of this action on any ground whatsoever and further reserves all other available defenses. Defendant further reserves the right to amend this Notice, and to submit additional evidence in support of removal as appropriate.

WHEREFORE, Defendant, Cross River Bank, hereby removes this action to the United States District Court for the Western District of Texas.

Dated: November 16, 2020

Respectfully submitted,

/s/ Aliza Malouf  
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*Counsel for Cross River Bank*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been filed with the Clerk of the Court, and that a true and correct will be served upon counsel for Plaintiff, Robert D. Dabaghian, Esq., via electronic mail at [txtrial@yahoo.com](mailto:txtrial@yahoo.com), this 16th day of November, 2020.

/s/ Aliza Malouf  
Aliza Malouf